

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
JACKSON DIVISION

BREANA SCHENK, as next
best friend to Ev M,
Em M, and El M and the ESTATE OF
KELSEY DELYLAH SCHENK-McKEE,
Plaintiff,

vs.

No. 1:22-cv-01268-STA-jay

PAUL A. THOMAS, GIBSON COUNTY
SHERIFF; and DANNY LEWIS, Chief Deputy
Gibson County Sheriff's Department and TAMELA DENISE COX,
Chief Jailor/Correction Officer of the
Gibson County Sheriff's Department and
WILLIAM HOLBROOK, Deputy/Correction Officer and
JAILER PRINCE, JAILER LITTRELL, JAILER
HILL, JAILER MORGAN, JAILER STURDIVANT,
JAILER WATSON, JAILER GILLES, JAILER
MEESE, JAILER MCARTY, JAILER YARBROUGH,
JAILER KEEL, JAILER PALMER, JAILER DANCE,
JAILER ABRAHAM, JAILER MCMINN, JAILER BAILEY,
and GIBSON COUNTY, TENNESSEE.

Defendants.

STATUS REPORT

Comes now the Plaintiff, Breana Schenk, by next best friend to, Ev M, Em M, and El M, by and through her attorney of record, in response to the Court's Order of August 15, 2023 (Document 28) and reports on the Court's query as follows:

1. Summons for Jailer Prince, certified Mail Article Number 07200640000136900743 was marked Refused on February 4, 2023 and certified Mail Article Number 70210350000117889721 was marked Returned to Sender,

“Attempted - Not Known, Unable to Forward” on May 13, 2023. This Defendant is considered served as to the original complaint.

2. Summons for Jailer **Littrell**, certified Mail Article Number 70200640000136900682 was marked Returned to Sender “not here” on February 4, 2023 and certified Mail Article Number 70210350000117889738 reflects that the summons was served on May 8, 2023, marked received by Carrie Sharp, Gibson County Correctional Complex, 401 N. South College Street, Trenton, TN 38382. This Defendant is considered Not Served.
3. Summons for Jailer **Sturdivant**, certified Mail Article Number 70200640000136900750 reflects that the summons was marked Returned to Sender, “not here” on February 4, 2023 and certified Mail Article Number 70210350000117889745 was marked Returned to Sender “Attempted - Not Known Unable to Forward”. This Defendant is considered not served.
4. Summons for Jailer **Watson**, certified Mail Article Number 70200640000136900767 was marked Refused on February 4, 2023 and certified Mail Article Number 70210350000117889752, reflects that the certified mail was Refused on May 23, 2023. Plaintiff considers this Defendant Served.
5. Summons for Jailer **Gilles**, certified Mail Article Number 70200640000136900637 was marked Refused on February 4, 2023 and certified Mail Article Number 70210350000117889769 was marked Returned to Sender, “Attempted - Not Known” on May 13, 2023. This Defendant is considered served as to the original complaint.
6. Summons for Jailer **McCarty**, certified Mail Article Number 70200640000136900699, reflects that the certified mail was Refused and

Temporarily Away on February 4, 2023 and certified Mail Article Number 70210350000117889776, reflects that the certified mail was marked Refused on May 12, 2023. Plaintiff considers this Defendant Served.

7. Summons for Jailer **Keel**, certified Mail Article Number 70200640000136900668 was marked Refused on February 4, 2023 and certified Mail Article Number 70210350000117889783 was marked Returned to Sender, "Attempted - Not Known" on May 13, 2023. This Defendant is considered served as to the original complaint.
8. Summons for Jailer **Palmer**, certified Mail Article Number 70200640000136900736 reflects that the certified mail was marked Return to Sender "not here" on February 4, 2023, and certified Mail Article Number 70210350000117889790, reflects that the certified mail was marked Refused on May 12, 2023. This Defendant is considered served.
9. Summons for Jailer **Abraham**, certified Mail Article Number 70200640000136900583 was marked Refused on February 4, 2023 and certified Mail Article Number 70210350000117889806 was marked Returned to Sender, "Attempted - Not Known" on May 28, 2023. This Defendant is considered served as to the original complaint.

Two separate Certified Mailings were made for the Original Complaint on December 19, 2022 and the Amended Complaint was mailed in May 2023.

Said Defendant's certified mail was returned as refused (see attached), which is deemed personal acceptance. F.R.C.P. Rule 4(e) specifically allows following state law. T.R.C.P. Rule 4.04 (10)(b) provides refusal equates to personal acceptance, pursuant to T.R.C.P. 4.04(11).

Jailers Prince, Gilles, Keel, and Abraham were served on the original complaint. Jailers

Watson, McCarty were served both the original and amended complaint. Jailers Littrell and Sturdivant have not been served and should be dismissed.

Respectfully submitted,

s/Robert T. Keeton, III
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Counsel for Breana Schenk, by next best friend Ev M., Em M, and El M

Certificate of Service

The undersigned hereby certificate that a true and correct copy of the foregoing document was served via the U.S. District Court ECF system upon:

Nathan D. Tilly
162 Murray Guard Drive, Suite B
Jackson, Tennessee 38305
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/s/ Robert T. Keeton III
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